IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.20 OF 2007.
IN
FIRST APPEAL NO.4 OF 2007

Manohar s/o Vithobaji Tidke – v – Smt.Subhadrabai wd/o Nagoraoji Mohadikar and 4 others

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri A.M.Ghare, Advocate for the appellant.

CORAM : Smt. Vasanti A. Naik, J.

DATED : 11/09/2007

Nagorao Jogirao Mohadikar, filed an application under Section 286(5) of the City of Nagpur Corporation Act against the present appellant for removal of the illegal and unauthorised construction made by the present appellant. The District Judge, Nagpur by an order dated 12/12/2006 allowed the application filed by Nagorao Jogirao Mohadikar and directed the Nagpur Corporation to remove the illegal and unauthorised construction of the appellant, forthwith. The First Appeal is preferred against the order dated 12/12/2006.

This Court had, by the order dated 11/01/2007 while admitting appeal stayed the effect and operation of the order dated 12/12/2006. It is apparent that in case, the order dated 12/12/2006 is not stayed during the pendency of the First Appeal, the Corporation would remove the structure constructed by the appellant and the appeal would be rendered infructuous after the construction is removed.

In view of the aforesaid position, it is necessary to continue the interim order granted by this Court on 11/01/2007, during the pendency of the First Appeal.

The Civil Application, therefore, is allowed. The Judgment and the order passed by the District Judge, Nagpur on 12/12/2006 is stayed during the pendency of the First Appeal.

Civil Application is allowed and disposed of.

JUDGE.

VMC